IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 1264 of 2004

Between:

Medikonda Aruna, D/o. M. Venkata Ratnam, R/o. H.No. 23B-5-63, Opp: Sivarama Hospital,
R.R. Pet, Eluru, West Godavari District.

..... PETITIONER

AND

1 The Govt. of A.P. Agricultural & Cooperation (Co-op.V) Dept, rep. by its Principal Secretary, Secretariat, Hyderabad.
2 The Commissioner of Co-operation and Registrar of Cooperative Societies, Gruhakalpa Buildings,
Nampally, Hyderabad.
3 The District Co-operative Officer, Eluru, West Godavari District.
4 The Deputy Registrar of Cooperative Societies, Divisional Cooperative Officer, Eluru,West Godavari District
5 Sri Rama Murthi Large Seized Co-operative Credit Society Ltd., No. W.G.44, Jogannapalem, Denduluru Mandal,
West Godavari District.
6 The General Manager, The District Co-operative Central bank Ltd.,
Eluru, West Godavari District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction declaring the impugned action of the 4th respondent in issuing directions to the respondent No.5 to terminate the service of the petitioner and consequential action of the respondent No.5 in terminating the service of the petitioner by passing impugned order dt: 16.6.2003 without any notice or opportunity as illegal, arbitrary and violation of Art. 14 and 21 of the Constitution of India and consequently to set-aside the orders of the termination.

Counsel for the Petitioner: MR.B.P.RAJU

Counsel for the Respondent Nos.1 to 4 : GP FOR COOPERATION

Counsel for Respondent No.5: N.Siva Reddy.

Counsel for Respondent No.6: Sri K.Chidambaram, SC

The Court made the following :

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.1264 OF 2004

ORDER:

The petitioner was appointed as a clerk in the 5th respondent Society in November,1988, pursuant to the resolution of the 5th respondent-Society. It is stated that the petitioner is being paid the monthly salary @ Rs.1,200/- per month. While so, the services of the petitioner are terminated by proceedings dated 16.6.2003 of the 5th respondent, pursuant to the directions of the fourth respondent, on the ground that the appointment of the petitioner is after 1.1.1995 and contrary to the Act 2 of 1994 and therefore, the petitioner is removed from the service.

I have taken a view in the batch of writ petitions that the only criteria either for the appointment or for the removal of the services of the employees must be as per the guidelines stipulated under Section 116-C of the A.P. Cooperative Societies Act read with Rule 28(4)(b) and 36-B of A.P. Cooperative Societies Rules, that is to say that every society is bound to fix the staffing pattern, educational qualifications, pay and allowances for its employees subject to the approval of the Registrar of Cooperative Societies and the total expenditure of pay and allowances shall not exceed 2% of the working capital or 30% of the gross profits, in terms of actuals in a year whichever is less. Therefore, merely because the petitioner was appointed after 1.1.1995 it cannot be said that the appointment is contrary to Section 116-C of the A.P. Cooperative Societies Act, if the appoint and payment made to the petitioner is inconformity with Section 116-C of the A.P.Cooperative Societies Act. As the society terminated the services of the petitioner only pursuant to the directions of the District Cooperative Officer, who is Deputy Registrar of Societies, I am of the view that the said termination order is not sustainable and the same is accordingly set aside,

keeping it open for the respondents to take appropriate action strictly in accordance with law under Section 116-C of the A.P.Cooperative Societies Act.

Accordingly, the writ petition is disposed of with the said observation. No order as to costs.

17.11.2004.

mdaa.

Copy to:

1 The Govt. of A.P. Agricultural & Cooperation (Co-op.V) Dept, rep. by its Principal Secretary, Secretariat, Hyderabad.
2 The Commissioner of Co-operation and Registrar of Cooperative Societies, Gruhakalpa Buildings,
Nampally, Hyderabad.
3 The District Co-operative Officer, Eluru, West Godavari District.
4 The Deputy Registrar of Cooperative Societies, Divisional Cooperative Officer, Eluru,West Godavari District
5. The General Manager, The District Co-operative Central bank Ltd.,
Eluru, West Godavari District.

6. Two C.Cs to G.P.for Cooperation, High Court of A.P., Hyderabad

7. Two C.D.copies.